

MEMORANDUM

DATE: February 7, 2011

TO: Policy Committee

FROM: Luke Vinciguerra, Planner
Leanne Reidenbach, Senior Planner

SUBJECT: Development Standards – Pedestrian Accommodation

I. Sidewalks

For most development, the current pedestrian accommodation ordinance—found in section 24-35 of the Zoning Ordinance – is directed towards accommodation along exterior frontage roads. It has a one size fits all approach; a sidewalk along the frontage road of all properties being developed must be constructed, or in lieu of a sidewalk, an equivalent pedestrian facility can be built with the approval of the Development Review Committee (DRC). The ordinance also requires sidewalks along the first block into a development if it will serve over 500 vehicles per day (VPD) at build out. Non-residential and multi-family developments have an additional requirement for internal pedestrian access between parking areas, buildings, and public areas, as well as abutting property. Finally, the R-1, R-2, and Cluster Overlay districts have additional requirements for internal sidewalks or trails.

Also in existence are the Sidewalk Master Plan and the Greenway Master Plan. The Sidewalk Master Plan is primarily a Capital Improvement Program (CIP) funding tool for sidewalk construction, while the Greenway Master Plan attempts to link historic, natural, scenic, and recreational sites in a cohesive way. These documents carry out the vision of the Comprehensive Plan in the review of cases; however, neither have legislative authority.

The primary method by which the County's pedestrian infrastructure is constructed is through requiring a sidewalk or other pedestrian facility when a parcel develops. The rationale behind this is that at build-out the County would have a complete network of pedestrian facilities built at the expense of developers. Thus far, sidewalk projects to fill in gaps in the sidewalk network have been funded through the CIP.

Per the approved scope of work for the Development Standards – Pedestrian accommodation section, staff is to “ensure consistency with State regulations and with the American Planning Association Best Management Practices while including proposed ordinances recommended in the 2009 Comprehensive Plan.” To this end, staff is recommending the changes to the pedestrian accommodation ordinance as stated below.

II. Discussion Items

A. Accommodation External to Development

1. Description of Issues

- *Upon review of the existing requirements, staff has identified some locations in the County where it may be unnecessary for a developer to build a pedestrian facility as the current and future need does not exist. Research indicates that pedestrians are usually unwilling to walk more than a ¼ of a mile to a destination; therefore, there is little need to require pedestrian facilities in areas where there are no major destinations or where*

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destinations are sparse (e.g. many areas outside the Primary Service Area-PSA).

- *As previously stated, sidewalks are currently required along the frontage road of all development that requires a site plan or major subdivision plan, regardless of location. A commonly cited problem with this requirement is when a parcel outside the PSA (or in a remote location) develops as a commercial use (or in a way that requires a site or subdivision plan), and a sidewalk would need to be constructed in front of the site, yet surrounding properties (for example, single-family houses that are not part of a new subdivision) would be unlikely to ever trigger a sidewalk requirement. In the end, the only part of the frontage road that will likely have a sidewalk will be in front of the commercial site. This is sometimes referred to as “a sidewalk to nowhere.”*
- *Currently the ordinance provides the developer an alternative to constructing sidewalks by allowing construction of an all-weather surface pedestrian connection if they receive a modification from the DRC. This is a developer option; staff cannot administratively require an alternate connection. Multi-use paths may be more appropriate in some suburban locations rather than a sidewalk, but under the current ordinance, a sidewalk would always be required and the provision of a sidewalk or pedestrian connection cannot be eliminated entirely.*

2. History

- *The pedestrian accommodation ordinance was adopted in the early 1990s. It was amended in 2000 to allow developers to apply for modifications to the sidewalk requirements that would permit a multi-use path or some other equivalent pedestrian connection instead of a sidewalk. This modification has been sought and received in a number of circumstances, including recently the Anderson’s Corner Animal Hospital, the Villages at White Hall along Route 60, and McFarlin Park along Neck-O-Land Road.*

3. Comprehensive Plan GSAs, Sustainability Audit, public input, and PC and BOS direction

- *T 3.10 - Update the James City County Sidewalk Master Plan and amend the Zoning Ordinance to increase accessibility, provide for more design and construction flexibility, and incorporate multi-use paths as an option.*
- *T 3.11 - Implement the adopted James City County Sidewalk Master Plan and Regional Bicycle Facilities Plan by planning for bikeways pedestrian facilities in primary and secondary road plans and projects. Amend the Zoning Ordinance to require by-right developments to participate in the development of the facilities.*
- *PR 5.2 - Encourage new developments to dedicate right-of-way and construct sidewalks, bikeways, and greenway trails for transportation and recreation purposes, and construct such facilities concurrent with road improvements and other public projects in accordance with the Sidewalk Master Plan, the Regional Bicycle Facilities Plan, and the Greenway Master Plan.*
- *PN 1.3.1 - Make youth and senior destinations more accessible from home and school, by foot and bicycle, by implementing the bikeway, Sidewalk, Greenway, and Parks and Recreation master plan into the design of new development.*
- *PN 1.3.2 - Interconnect and create pedestrian and bikeway networks that serve destinations by using bikeway, Sidewalk, and Greenway master plans as guides.*
- *Sustainability Audit Recommendation #89: Business development should also be required to install sidewalks and pathways along their road frontage in accordance with an adopted sidewalk plan.*
- *At the Aug. 10th joint PC/BOS work session, staff was requested to examine a sidewalk fund and construction/maintenance policy for sidewalks.*
- *Sustainability Audit Recommendation #94: Sidewalks or pathways should be provided along streets within ½ mile of schools.*

- *Public comment offered during the Zoning and Subdivision Ordinance Update process included input that stated “Please do a better job of consistent and contiguous sidewalk systems! New development mostly has them now but they aren't very useful if they don't connect to anything. In my opinion, it should be incumbent on the developer to pay for such sidewalks in both neighborhoods and commercial developments. Crosswalks at major intersections should be a priority as well. The Monticello/News Rd intersection has no pedestrian crossing so thousands of people in Powhatan Secondary cannot safely walk to their neighborhood playground, Kidsburg.”*
- *During a Planning Commission Forum in the fall, a citizen suggested ensuring that sidewalk recommendations are consistent with and consensus items from the Builders for the Bay Development Roundtable.*

4. Solutions and Policy Options

To remedy the aforementioned issues, staff has drafted the 2011 Pedestrian Accommodation Master Plan (attachment 1), which, as a comprehensive map of proposed pedestrian facilities expected along major roads in the County, would work in conjunction with revised sidewalk and path requirements in the ordinance (discussed later).

The draft map and corresponding ordinance revisions remove pedestrian accommodation requirements from areas where staff finds current and projected future development do not necessitate pedestrian accommodation and targets areas with higher densities near destinations, such as parks, schools, bus stops, or shopping centers. The areas shown in purple are Community Character Areas that justify pedestrian facilities because of their proximity to retail establishments. Within the purple area, sidewalks would be required on both sides of any street. Outside the purple areas, the color of the line along the road shows the type of facility required, while the gray line shows what side(s) of the road the facility is needed. Staff's recommendation on the type of facility was based on topography, current facilities, Land Use designation, Comprehensive Plan Corridor Vision, roadway functional classification, and development patterns. It is worth noting that many trails, such as portions of the Virginia Capital Trail through Mainland Farm, are not shown on this map because they are not along a roadway; however, their influence was a factor in the recommendations of the Draft 2011 Pedestrian Accommodation Master Plan.

Although this proposal in and of itself does not solve the gap issue, it significantly reduces the amount of sidewalk the County would need to build to fill the gaps and helps prevent sidewalks without destinations outside the PSA.

In addition, this proposal allows multi-use paths where appropriate, unlike the current ordinance.

5. Staff recommendation

Staff recommends that the 2011 Pedestrian Accommodation Master Plan be referenced in the Zoning Ordinance and serve as the guiding document for pedestrian accommodation external to a development.

B. Modifications and Exemptions

1. Description of Issues

- *Staff recognizes that a pedestrian accommodation ordinance cannot always be applied*

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in all circumstances and a modification or exemption provision is necessary for unusual circumstances. As stated earlier, the current ordinance has limited opportunities for modifications, and no opportunities for exemptions.

2. History

- *In some circumstances, topography has made the construction of pedestrian facilities impractical. This is particularly the case in areas where there is a steep drop-off from the frontage road into the developing property.*
- *Staff has also encountered plans that are small or minor, such as farmer's markets stands or expansions to older existing uses, and have had to determine whether the sidewalk ordinance should apply in these circumstances.*

3. Comprehensive Plan GSAs, Sustainability Audit, public input, and PC and BOS direction

- *See section II(A)(3) above.*

4. Solutions and Policy Options

- *Exceptions to the 2011 Pedestrian Accommodation Master Plan's requirements could be granted by the DRC. The DRC could either approve an alternative alignment across a parcel or, in cases of extreme topographical challenges, approve payment into a fund. The amount contributed would be the estimated cost required to build a sidewalk or trail along the entire frontage of the property on a level surface and without obstacles (such as VDOT guard rails).*
- *Additionally, staff proposes exempting property owners of any requirement when modifications to existing structures are minimal (currently, the ordinance is enforced for new construction and when modifications are made to existing structures). Some options are as follows (note that these options can be used exclusively or in combination with each other):*
 1. *Exempted when – modifications do not require a site plan amendment. (Note: the Submittal Requirements section, which will be reviewed by the Policy Committee at a later date, will outline recommended thresholds for when site plans are required).*
 2. *Exempted when - new development or any site improvements are less than 1,000 square feet and are less than a 10% change to the total structure.*
 3. *Exempted when - site improvements are less than 1,000 square feet.*
 4. *Exempted when - sidewalk construction cost is disproportionate to the total project cost.*
- *In any of these circumstances, the applicant could be required to contribute a portion of the cost to construct the sidewalk to the dedicated sidewalk fund or the requirement could be waived completely. Note that the higher the threshold, the more gaps will exist in the sidewalk network. This means it will take longer for the pedestrian network, as proposed, to be completed and/or may involve a higher amount of County funds.*
- *Master planned development whose adopted plan already shows pedestrian accommodation will trump any requirements shown on attachment 1 (i.e., if a pedestrian plan is included in an already approved proffer, the developer would be required to comply with that requirement). Finally, if a fully engineered road improvement plan exists that would involve tearing up a required pedestrian facility; the requirement could be waived for the developer.*

5. Staff recommendation

Staff recommends changing the process for pedestrian accommodation modifications, seeks input on what thresholds should be used for exempting smaller development from

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the requirement to construct a path or sidewalk, and seeks input on what types of developments should be required to contribute to the fund if the sidewalk is not constructed as part of the project.

C. Sidewalks Internal to a Residential Development

1. Description of Issue

- *The current ordinance has requirements for internal pedestrian accommodation that most often apply only to entrance roads. This requirement is for a sidewalk on at least one side of the entrance road into a subdivision for one block where the road is expected to serve more than 500 vehicles per day. Sidewalks are required on both sides if the road is expected to serve more than 1,000 vehicles per day. However, sidewalks are also required internally for certain subdivisions within the R-1, R-2, and cluster overlay districts (see Attachment 4 and Section I for a more detailed discussion of the current sidewalk requirements).*
- *VDOT's new Secondary Streets Acceptance Standards (SSARs) have comprehensive pedestrian accommodation requirements that are not reflected in the Zoning Ordinance, but would be required for any development that includes public streets. As part of this review of the ordinance, staff has ensured that the proposed recommendations are not in conflict with and serve to complement the State's regulations.*

2. History

See Section II(A)(2) and Section II(B)(2) above.

3. Comprehensive Plan GSAs, Sustainability Audit, public input, and PC and BOS direction

- *T 1.2.2 - Provide a high degree of inter-connectivity within new developments, adjoining new developments, and existing developments using streets, trails, sidewalks, bikeways and multi-use trails.*
- *H 1.3 - Require the provision of adequate street lighting, safe and convenient pedestrian circulation, and appropriate interconnections between residential developments.*
- *Sustainability Audit Recommendation #85: Sidewalks or pathways should be provided on both sides of streets within higher density areas of the primary service area.*
- *Sustainability Audit Recommendation #94: Sidewalks or pathways should be provided along streets within ½ mile of schools.*

4. Solutions and Policy Options

- *Staff recommends referencing VDOT's Secondary Street Acceptance Requirements (SSARs) for pedestrian requirements internal to a development. SSAR requirements are based on median lot sizes and pertain to pedestrian connectivity internal to developments. These comprehensive requirements are shown in attachment 2. These State requirements cannot be overruled by the County unless the Board of Supervisors specifically approves internal roads as private.*
- *To promote connectivity, staff proposes an additional requirement for an internal connection to an existing or proposed neighboring school, park, or recreational area (or a demonstration of why it cannot be done). This sidewalk or path must be built to the property line. Internal pedestrian facilities would also be required to provide access to any internal park or recreational area and to any frontage road(s) sidewalk or path required by the 2011 Pedestrian Accommodation Master Plan*

Pedestrian Accommodation along Private Roads for Residential Developments

- *Private streets are options for residential development only in the R-4, R-5, and MU zoning districts. Should the Board of Supervisors approve private streets in a residential*

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development, they would not be subject to SSAR regulations. Staff proposes putting basic parallel requirements in place for these instances, such as requiring internal pedestrian facilities to any internal park or recreational area and frontage road and requiring sidewalks/paths on one side of each internal street for low density development (such as the R-2 and R-4 districts) and requiring it on both sides of each internal street for moderate and high density residential development (such as R-5) and Mixed Use. Note: Staff will examine possible pedestrian accommodation requirements for the Economic Opportunity (EO) district when the EO draft ordinance is closer to finalization.

- In order to make private street requirements as flexible as SSAR, staff proposes an option of connecting internal cul-de-sacs and recreational sites by paths or sidewalks in exchange of the sidewalk requirement if deemed equivalent.

Sidewalks Internal to Multi-Family Developments

- For multi-family residential development (attached housing) staff proposes maintaining a requirement for internal pedestrian access between parking areas, buildings and public areas as currently required.
- To promote connectivity to destinations, staff proposes a requirement for at least one internal connection to an existing or proposed neighboring school, park, recreational facility, and to frontage road (or a demonstration of why it cannot be done). It would be less likely that multi-family developments would be subject to SSAR requirements because a multi-family development often consists of parking lots, not internal streets.

5. Staff recommendations

Staff recommends the items stated above which reference VDOT's SSARs in the Zoning Ordinance for clarity, ensure connections to high pedestrian-traffic areas for connectivity, and which provide parallel requirements for residential private streets and multi-family developments for consistency.

D. Sidewalks Internal to a Commercial Development

1. Description of Issue

- Pedestrian accommodation internal to a commercial development differs from residential development as the goal for commercial pedestrian accommodation is to connect parking lots, frontage sidewalks/crosswalks, and stores.

2. History

- The current ordinance requirement for internal pedestrian access between parking areas, buildings, and public areas has worked well for commercial areas in the County.

3. Comprehensive Plan GSAs, Sustainability Audit, public input, and PC and BOS direction

- T 1.2.2 - Provide a high degree of inter-connectivity within new developments, adjoining new developments, and existing developments using streets, trails, sidewalks, bikeways and multi-use trails.

4. Solutions and Policy Options

- Should a commercial development have internal public streets, SSAR standards would apply.
- Staff is proposing maintaining a requirement for internal pedestrian access between parking areas, buildings, and public areas (as is currently required) regardless of whether the roads are public or private.

5. Staff recommendations

Staff recommends the items stated above which accommodate SSARs and improves access between commercial parcels.

E. Office Parks and Industrial Complexes

1. Description of Issue
 - *Similar to within commercial areas but to a lesser extent, internal sidewalk connections can be beneficial within office parks and industrial complexes. There are not currently any requirements for such connections aside from assuring accessibility from parking spaces to front doors.*
2. History
 - *Office and industrial parks in the County that have their own internal street networks to connect different users have shown to be reluctant to install internal sidewalks. Developers typically cite a lack of need, low traffic, and lack of destinations.*
3. Comprehensive Plan GSAs, Sustainability Audit, public input, and PC and BOS direction
 - *There are no GSAs, input, or other direction pertaining to this topic.*
4. Solutions and Policy Options
 - *For office parks and industrial complexes that have public streets, SSAR standards would apply.*
 - *For private streets staff is not proposing any internal requirement.*
 - *It is important to note that private streets within an industrial complex require Board approval.*
5. Staff recommendations
 - *Staff does not recommend any change with regards to office park and industrial complexes.*

F. Construction Standards

1. Description of Issue
 - *The current ordinance lacks standards for sidewalk and multi-use path construction, causing inconsistencies in width and slope.*
2. History
 - *Mulberry Place is an example of what could happen without minimum construction standards. Segments of their internal sidewalk network are difficult to walk on due to differences in elevation between the right and left edges of the sidewalk.*
3. Comprehensive Plan GSAs, Sustainability Audit, public input, and PC and BOS direction
 - *Sustainability Audit Recommendation #135: The subdivision street and sidewalk design standards in sec. 19-51 and site plan requirements in sec. 24-151 should have specific criteria for all developments to include accessible facilities to ensure coordination of review with other current laws.*
4. Solutions and Policy Options

Staff proposes construction standards based upon input from the County Engineer as follows. Sidewalks must:

 - *Be a minimum of 5 feet wide,*
 - *Be built to VDOT standards when in the right-of-way (and/or to the satisfaction of the County Engineer when outside the right-of-way).*
 - *Meet the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities (ADAAG) requirements,*
 - *Paths would have the same requirements but would be paved and a minimum of 8 feet wide. Where the option exists, these facilities shall be built in VDOT right-of-way.*
5. Staff Recommendation

Staff recommends the aforementioned items which provide construction standards for

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sidewalks and paths.

III. Conclusion

The ideas stated above reflect many APA's best practices, specifically related to exemptions and construction standards, along with a variety of measures which ensure consistency with State regulations. The proposed draft 2011 Pedestrian Accommodation Master Plan, combined with revisions to the sidewalk ordinance, are designed to reduce gaps, provide flexibility, and increase consistency throughout various types of developments. The desired result is a more meaningful, effective pedestrian network.

During the Policy Committee meeting, staff will display the draft 2011 Pedestrian Accommodation Master Plan on the white board for Committee members to draw any suggested changes. Commissioners may also wish to draw changes on the attached map before the meeting. Staff's goals in preparing the map and ordinance amendments were to be fair, logical, and not conflict with SSAR. Staff looks forward to working with the Policy Committee to create an improved sidewalk ordinance for the County.

Attachments:

1. Draft 2011 Pedestrian Accommodation Master Plan
2. SSAR Pedestrian Requirements
3. Spreadsheet of proposed requirements
4. Spreadsheet comparing proposed vs. existing regulations